

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ANGHEARA ELFSTROM

(b) County of Residence of First Listed Plaintiff Gloucester
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Mary Kramer, Esq.; Murphy Law Group, LLC; 1628 John
F. Kennedy Blvd, Ste. 2000, Philadelphia, PA 19103;
267-273-1054

DEFENDANTS

BIG PICTURE PHILADELPHIA

County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Emily E. Mahler, Esq.; Margolis Edelstein; 535 Smithfield
Street, Ste. 1100, Pittsburgh, PA 15222; (412) 281-4256

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 2000e, et seq. and 42 U.S.C. § 12101, et seq.

Brief description of cause:

PREGNANCY/GENDER DISCRIMINATION AND RETALIATION and DISCRIMINATION, RETALIATION, AND FAILURE TO ACCOMMODATE

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Feb 14, 2023

/s/ Mary Kramer

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 17 Violet Court, Deptford, NJ 08096
Address of Defendant: 2300 W Master Street, Philadelphia, PA 19121
Place of Accident, Incident or Transaction: 4290 Penn Street, Philadelphia, PA 19124

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 02/14/2023 Mary Kramer 324078
Digitally signed by: Mary Kramer
DN: CN = Mary Kramer email = mkramer@phillyemploymentlawyer.com C = US O = Murphy Law Group, LLC
Date: 2023.02.14 13:51:49 -05'00'
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | 1. Indemnity Contract, Marine Contract, and All Other Contracts |
| <input type="checkbox"/> | 2. FELA |
| <input type="checkbox"/> | 3. Jones Act-Personal Injury |
| <input type="checkbox"/> | 4. Antitrust |
| <input type="checkbox"/> | 5. Patent |
| <input type="checkbox"/> | 6. Labor-Management Relations |
| <input checked="" type="checkbox"/> | 7. Civil Rights |
| <input type="checkbox"/> | 8. Habeas Corpus |
| <input type="checkbox"/> | 9. Securities Act(s) Cases |
| <input type="checkbox"/> | 10. Social Security Review Cases |
| <input type="checkbox"/> | 11. All other Federal Question Cases |
- (Please specify): _____

B. Diversity Jurisdiction Cases:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | 1. Insurance Contract and Other Contracts |
| <input type="checkbox"/> | 2. Airplane Personal Injury |
| <input type="checkbox"/> | 3. Assault, Defamation |
| <input type="checkbox"/> | 4. Marine Personal Injury |
| <input type="checkbox"/> | 5. Motor Vehicle Personal Injury |
| <input type="checkbox"/> | 6. Other Personal Injury (Please specify): _____ |
| <input type="checkbox"/> | 7. Products Liability |
| <input type="checkbox"/> | 8. Products Liability – Asbestos |
| <input type="checkbox"/> | 9. All other Diversity Cases |
- (Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Mary Kramer, Esq., counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 02/14/2023 Mary Kramer 324078
Digitally signed by: Mary Kramer
DN: CN = Mary Kramer email = mkramer@phillyemploymentlawyer.com C = US O = Murphy Law Group, LLC
Date: 2023.02.14 13:51:49 -05'00'
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANGHEARA ELFSTROM
17 Violet Court
Deptford, NJ 08096

Plaintiff,

v.

BIG PICTURE PHILADELPHIA
2300 W Master Street
Philadelphia, PA 19121

Defendant.

:
: CIVIL ACTION NO. _____
:
:
:
: **JURY TRIAL DEMANDED**
:
:
:
:
:
:
:

COMPLAINT – CIVIL ACTION

Plaintiff, Angheara Elfstrom (“Plaintiff”), by and through her undersigned attorney, for her Complaint against Defendant, Big Picture Philadelphia (“Defendant”), alleges as follows:

1. Plaintiff brings this action to redress violations by Defendant of Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e, *et seq.*, as amended by the Pregnancy Discrimination Act of 1978 (“PDA”) and the Philadelphia Fair Practices Ordinance (“PFPO”), Phila. Code § 9-1101, *et seq.*, by discriminating against Plaintiff on the basis of her pregnancy and unlawfully terminating her employment because of her sex and pregnancy.

2. Additionally, Plaintiff brings this action to redress violations by Defendant of the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.* (“ADA”), and the PFPO for unlawfully terminating Plaintiff on account of her actual and/or perceived disabilities; and in retaliation for requesting a reasonable accommodation in connection thereto.

PARTIES

3. Plaintiff is a citizen of the United States and the State of New Jersey, currently residing at 17 Violet Court, Deptford, NJ 08096.

4. Defendant is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania. It currently maintains a business located at 4290 Penn Street, Philadelphia, PA 19124 with a registered business office of 2300 W Master Street, Philadelphia, PA 19121.

JURISDICTION AND VENUE

5. On or about July 21, 2021, Plaintiff filed a Charge of Discrimination against Defendant with the United States Equal Employment Opportunity Commission (the “EEOC”), which was dual-filed with the Philadelphia Commission on Human Relations (the “PCHR”), thereby satisfying the requirements of 42 U.S.C. § 2000e-5(b) and (e).

6. Plaintiff’s EEOC Charge was docketed as Charge No. 530-2021-04255 and was filed within one hundred and eighty (180) days of the unlawful employment practice alleged herein.

7. The PCHR docketed Plaintiff’s Charge as Complaint No. 2021-08-18-8457 and was filed within one hundred and eighty (180) days of the unlawful employment practice alleged herein.

8. By correspondence dated November 18, 2022, Plaintiff received a Notice of Right to Sue from the PCHR regarding her Complaint, advising Plaintiff she had two (2) years to file suit against Defendant.

9. By correspondence dated December 19, 2022, Plaintiff received a Notice of Right to Sue from the EEOC regarding her Charge, advising Plaintiff she had ninety (90) days to file suit against Defendant.

10. Plaintiff filed the instant action within the statutory time frame applicable to her claims.

11. This is an action authorized and instituted pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e, *et seq.*, as amended by the Pregnancy Discrimination Act of 1978 ("PDA"), and the Americans with Disabilities Act, ("ADA"), 42 U.S.C. § 12101 *et seq.*

12. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343, as it is a civil rights action arising under the laws of the United States.

13. The Court has supplemental jurisdiction over Plaintiff's city ordinance claims because those claims arise out of the same nucleus of operative fact as the Title VII and ADA claims.

14. The venue in this district is proper pursuant to 28 U.S.C. § 1391(b), as the parties reside in this judicial district, doing business herein, and the unlawful practices of which Plaintiff is complaining were committed in this judicial district.

FACTUAL BACKGROUND

15. Paragraphs 1 through 14 are hereby incorporated by reference as though the same were fully set forth at length herein.

16. In or around January 2020, Defendant hired Plaintiff in the position of Director of Climate and Culture at Defendant's 4290 Penn Street, Philadelphia, PA 19124 location.

17. During her tenure with Defendant, Plaintiff received positive reviews of her performance, occasional praise, and no justifiable discipline.

18. In or around October 2020, Plaintiff disclosed to Defendant's Human Resources ("HR") Department that she was pregnant and that it was a high-risk pregnancy; Plaintiff informed Defendant's HR Department that her expected due date was May 7, 2021.

19. In or around December 2020, Plaintiff disclosed her high-risk pregnancy to her supervisor, Lydia Gonzalez ("Ms. Gonzalez").

20. Prior to Plaintiff disclosing her pregnancy to Ms. Gonzalez, Ms. Gonzalez said that "no members better get pregnant."

21. When Plaintiff heard Ms. Gonzalez say that "no members better get pregnant," Plaintiff told Ms. Gonzalez that it was illegal to make such comments, but Ms. Gonzalez brushed Plaintiff's concerns away.

22. When Plaintiff disclosed her pregnancy to Ms. Gonzalez, Ms. Gonzalez said, "Nina is pregnant, too. Once I get off this call, I am going to call Jomyra and Monshell to see if they are pregnant. They better not be."

23. Before Plaintiff's pregnancy, it was normal for Plaintiff to voluntarily do additional work outside of the essential functions of Plaintiff's position.

24. However, after Plaintiff became pregnant and her pregnancy became classified as high-risk, she could no longer do additional work outside of the essential functions of her position.

25. On or about December 17, 2020, in a public location within Defendant, Ms. Gonzalez said, "If I tell you to do something and you don't, then I must rethink whether you belong on this team. I don't trust someone here. But we need to be a team." Upon information and belief, Ms. Gonzalez's comments were directed towards Plaintiff.

26. On January 5, 2021, Plaintiff was put on a thirty (30) day performance improvement plan (“PIP”) and was scheduled to meet with Ms. Gonzalez and Defendant’s Executive Director, David Bromley (“Mr. Bromley”), on Friday, January 8, 2021.

27. Because Plaintiff had been experiencing stress and high anxiety at work, and because her pregnancy was high-risk, it was necessary for Plaintiff see her doctor for a check-up on January 7, 2021.

28. When Plaintiff saw her doctor on January 7, 2021, her doctor took her out of work from January 8, 2021 through January 12, 2021.

29. When Plaintiff saw her doctor on January 7, 2021, she was prescribed Zoloft and advised to see a therapist due to her anxiety.

30. On January 7, 2021, Plaintiff provided a doctor's note to Defendant stating: "Due to medical reasons, Angheara Elfstrom is considered a high-risk prenatal patient. Please allow her to take a 10 minute break from work every 2 hours." Additionally, Plaintiff provided a doctor's note excusing her from work on the aforementioned dates.

31. A high-risk pregnancy and anxiety are disabilities within the meaning of the ADA and the PFPO in that they substantially impair major life activities over an extended period of time.

32. On January 18, 2021, Plaintiff had a meeting with Ms. Gonzalez during which they discussed Plaintiff’s concerns with the PIP plan; Ms. Gonzalez ignored Plaintiff’s concerns and did not address Plaintiff’s responses to the PIP.

33. On January 25, 2021, Plaintiff had an appointment with her doctor, which resulted in Plaintiff’s doctor putting her on Short Term Disability (STD) leave for one (1) month.

34. The following day, January 26, 2021, Plaintiff received an email from HR asking to meet via Zoom with a subject line of "Short Term Disability Review and Touch Base;" when

Plaintiff joined the Zoom call, Ms. Gonzalez and Mr. Bromley were both on the call, along with an HR Representative.

35. The HR Representative advised Plaintiff that she had incorrectly signed the STD documents and that Ms. Gonzalez was terminating Plaintiff's employment effective January 27, 2021.

36. Soon after the Zoom call, Plaintiff received a termination letter stating her employment was being terminated due to "unsatisfactory performance of duties."

37. Plaintiff was terminated before the thirty (30) days allotted for improvement in the PIP, which was set to end on February 5, 2021; notably, Plaintiff had accomplished all of the goals given to her in the PIP.

38. Accordingly, Plaintiff believes, and thus avers, that she was subjected to discrimination on the basis of her gender (female), pregnancy/high-risk pregnancy, on the basis of her disability, such disability that Defendant regarded Plaintiff as having, and that Defendant unlawfully terminated Plaintiff's employment in retaliation for her requests for an accommodation in connection to her pregnancy/high-risk pregnancy and disability, in violation of Title VII as amended by the PDA, the ADA, and the PFPO.

39. As a result of Defendant's deliberate, willful, malicious, and unlawful actions, Plaintiff has suffered damages, including, but not limited to, loss of employment, earnings and earnings potential, loss of potential bonuses, and other economic damages, and has also suffered mental anguish, emotional pain and suffering, emotional distress, humiliation, and damage to her reputation.

COUNT I
TITLE VII – 42 U.S.C. § 2000e *et seq.*
PREGNANCY/GENDER DISCRIMINATION AND RETALIATION

40. Paragraphs 1 through 39 are hereby incorporated by reference as though the same were set forth at length herein.

41. Defendant employed at least fifteen (15) employees throughout its various office locations at all times material hereto.

42. Defendant discriminated against Plaintiff on the basis of her gender (female) and/or pregnancy.

43. Defendant's management, who had the authority to materially alter the terms and conditions of Plaintiff's employment, targeted her with discrimination on the basis of her pregnancy, a protected class within the meaning of Title VII, as amended by the PDA.

44. Defendant took affirmative discriminatory action against Plaintiff on the basis of her gender (female) and/or pregnancy and in retaliation for her request for accommodations in connection thereto, by terminating Plaintiff's employment.

45. Defendant violated Title VII as amended by the PDA, in that Defendant unlawfully terminated Plaintiff on account of her gender (female), pregnancy, and/or in retaliation for her request for accommodations in connection thereto in connection thereto.

46. Defendant acted with malice and with reckless indifference to Plaintiff's civil rights and emotional and physical well-being.

47. Because of Defendant's unlawful acts, Plaintiff has suffered damages in the form of, *inter alia*, loss of past and future wages and compensation, mental and emotional damages, loss of reputation, personal humiliation, and loss of life's enjoyment.

WHEREFORE, as a result of the unlawful conduct of the Defendant, Plaintiff respectfully requests that this Court enter judgment in her favor and against Defendant, and grant her the maximum relief allowed by law, including, but not limited to:

- A. Back wages, front pay, and bonuses in an amount to be determined at trial, but not less than one hundred and fifty thousand dollars (\$150,000.00);
- B. Punitive, compensatory, and/or exemplary damages in an amount to be determined at trial, but sufficient to punish Defendant for its intentional, negligent, willful, wanton, and/or malicious conduct;
- C. Plaintiff's costs, disbursements, and attorney's fees incurred in prosecuting this action;
- D. Any verdict in favor of Plaintiff is to be molded by this Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth by applicable federal law;
- E. Pre-judgment interest in an appropriate amount; and
- F. Such other and further relief as is just and equitable under the circumstances.

COUNT II
THE AMERICANS WITH DISABILITIES ACT
42 U.S.C. § 12101 *et. seq.*
DISCRIMINATION, RETALIATION, AND FAILURE TO ACCOMMODATE

48. Paragraphs 1 through 47 are hereby incorporated by reference as though the same were set forth at length herein.

49. At all times relevant hereto, Plaintiff was an employee within the meaning of the Americans with Disabilities Act of 1990.

50. Pursuant to the ADA, Plaintiff is a qualified individual with one or more disabilities.

51. Defendant was aware of Plaintiff's disabilities and/or regarded Plaintiff as disabled, a protected class under the ADA.

52. Defendant discriminated against Plaintiff on the basis of her actual and/or perceived disabilities, past record of impairment, and/or because Defendant regarded Plaintiff as disabled.

53. Defendant retaliated against Plaintiff for her requests for reasonable accommodations in connection to her disability in violation of the ADA.

54. Defendant unlawfully terminated Plaintiff from employment because of her actual and/or perceived disabilities, and/or in retaliation for her requests for reasonable accommodations in connection to her disabilities, in violation of the ADA.

55. It is further alleged that, by reasons of the foregoing, Defendant unlawfully failed to provide reasonable accommodations for Plaintiff's disability and failed to engage in the interactive process, in violation of the ADA.

56. As a result of Defendant's deliberate, unlawful, and malicious actions as set forth above, Plaintiff has suffered loss of employment, earnings, raises, other significant economic benefits, emotional pain and suffering, emotional distress and humiliation.

WHEREFORE, as a result of the unlawful conduct of Defendant, Plaintiff respectfully requests that this Court enter judgment in her favor and against Defendant, and grant her the maximum relief allowed by law, including, but not limited to:

- A. Back wages, front pay, and bonuses in an amount to be determined at trial, but not less than one hundred and fifty thousand dollars (\$150,000.00);
- B. Punitive, compensatory, and/or exemplary damages in an amount to be determined at trial, but sufficient to punish Defendant for its intentional, negligent, willful, wanton, and/or malicious conduct;

- C. Plaintiff's costs, disbursements and attorneys' fees incurred in prosecuting this action;
- D. Pre-judgment interest in an appropriate amount; and
- E. Such other and further relief as is just and equitable under the circumstances;
- F. Any verdict in favor of Plaintiff is to be molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages as set forth by applicable federal law.

COUNT III
PHILADELPHIA FAIR PRACTICES ORDINANCE
§ 9-1100, et. seq
PREGNANCY/GENDER DISCRIMINATION AND RETALIATION

57. Paragraphs 1 through 56 are hereby incorporated by reference as though the same were set forth at length herein.

58. At all times relevant hereto, Plaintiff was an employee within the meaning of the Philadelphia Fair Practices Ordinance Code ("PFPO"), § 9-1100, *et. seq.*

59. At all times relevant hereto, Defendant had at least one (1) employee.

60. Defendant discriminated against Plaintiff on the basis of her gender (female) and/or pregnancy.

61. Defendant's management, who had the authority to materially alter the terms and conditions of Plaintiff's employment, targeted her with discrimination on the basis of her pregnancy, a protected class within the meaning of the PFPO.

62. Defendant took affirmative discriminatory action against Plaintiff on the basis of her gender (female) and/or pregnancy, and in retaliation for her request for accommodations in connection thereto, and by unlawfully terminating Plaintiff's employment.

63. Defendant unlawfully terminated Plaintiff on account of her gender (female), pregnancy, and in retaliation for her requests for an accommodation in connection thereto.

64. Defendant acted with malice and with reckless indifference to Plaintiff's civil rights and emotional and physical well-being.

65. Because of Defendant's unlawful acts, Plaintiff has suffered damages in the form of, *inter alia*, loss of past and future wages and compensation, mental and emotional damages, loss of reputation, personal humiliation, and loss of life's enjoyment.

WHEREFORE, as a result of the unlawful conduct of Defendant, Plaintiff respectfully requests that this Court enter judgment in her favor and against Defendant, and grant her the maximum relief allowed by law, including, but not limited to:

- A. Back wages, front pay, and bonuses in an amount to be determined at trial, but not less than one hundred and fifty thousand dollars (\$150,000.00);
- B. Punitive, compensatory, and/or exemplary damages in an amount to be determined at trial, but sufficient to punish Defendant for its intentional, negligent, willful, wanton, and/or malicious conduct;
- C. Plaintiff's costs, disbursements, and attorney's fees incurred in prosecuting this matter;
- D. Pre-judgment interest in an appropriate amount;
- E. Such other and further relief as is just and equitable under the circumstances; and
- F. Any verdict in favor of Plaintiff is to be molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth by applicable federal law.

COUNT IV
PHILADELPHIA FAIR PRACTICES ORDINANCE
§ 9-1100, et. seq
DISABILITY DISCRIMINATION/FAILURE TO
ACCOMMODATE/RETALIATION

66. Paragraphs 1 through 65 are hereby incorporated by reference as though the same were set forth at length herein.

67. At all times relevant hereto, Plaintiff was an employee within the meaning of the Philadelphia Fair Practices Ordinance Code (“PFPO”), § 9-1100, *et. seq.*

68. At all times relevant hereto, Defendant had at least one (1) employee.

69. Plaintiff is a qualified individual with a disability within the meaning of the PFPO.

70. Defendant was aware of Plaintiff’s disabilities.

71. Plaintiff requested a reasonable accommodation in connection to her disabilities.

72. Defendant failed to accommodate Plaintiff’s requests for a reasonable accommodation and engage in the interactive process in connection to her disabilities.

73. Defendant discriminated against Plaintiff on the basis of her actual and/or perceived disabilities, past record of impairment, and/or because Defendant regarded Plaintiff as disabled, in violation of the PFPO.

74. Defendant retaliated against Plaintiff for her requests for reasonable accommodations in connection to her disabilities, in violation of the PFPO.

75. By reason of the foregoing, Defendant unlawfully terminated Plaintiff from her employment because of her actual and/or perceived disabilities and in retaliation for a reasonable accommodation in connection thereto, in violation of the PFPO.

76. Additionally, Defendant failed to provide Plaintiff with a reasonable accommodation and failed to engage in the interactive process, in violation of the PFPO.

WHEREFORE, as a result of the unlawful conduct of Defendant, Plaintiff respectfully requests that this Court enter judgment in her favor and against Defendant, and grant her the maximum relief allowed by law, including, but not limited to:

- A. Back wages, front pay, and bonuses in an amount to be determined at trial, but not less than one hundred and fifty thousand dollars (\$150,000.00);
- B. Punitive, compensatory, and/or exemplary damages in an amount to be determined at trial, but sufficient to punish Defendant for its intentional, negligent, willful, wanton, and/or malicious conduct;
- C. Plaintiff's costs, disbursements, and attorney's fees incurred in prosecuting this matter;
- D. Pre-judgment interest in an appropriate amount;
- E. Such other and further relief as is just and equitable under the circumstances; and
- F. Any verdict in favor of Plaintiff is to be molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth by applicable federal law.

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all issue so triable.

Respectfully submitted,

MURPHY LAW GROUP, LLC

Date: February 14, 2023

By: /s/ Mary Kramer
Mary Kramer, Esq.
Eight Penn Center, Suite 2000
1628 John F. Kennedy Blvd.
Philadelphia, PA 19103
TEL: 267-273-1054
FAX: 215-525-0210
mkramer@phillyemploymentlawyer.com
Attorneys for Plaintiff

DEMAND TO PRESERVE EVIDENCE

The Defendant is hereby demanded to preserve all physical and electronic information pertaining in any way to Plaintiff's employment, to Plaintiff's potential claims and her claims to damages, to any defenses to same, including, but not limited to, electronic data storage, employment files, files, memos, job descriptions, text messages, e-mails, spreadsheets, images, cache memory, payroll records, paystubs, time records, timesheets, and any other information and/or data which may be relevant to any claim or defense in this litigation.